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IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES



Application number 09/814,054

Filing date 3/22/2001

Appellant Alfred B. Levine

APPELLANT's REPLY BRIEF TO
EXAMINER's ANSWER

Transmitted herewith by fax, and three copies by mail, find
a six pge Reply Brief.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Alfred B. Levine".

Alfred B. Levine, Appellant Pro se

10/29/05

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REJECTION OF CLAIMS 51, 52, 55-65, 67, and 68



The EXAMINER's ANSWER contains a number of errors in applying the Asano et al patent.

Initially, it states that that the patent allows "the driver to select an " optimum path". This is in error.

In the patent, a " determined route path" , eg. the entire travel route from start to finish 63 (Fig. 7(a)), is ALWAYS computed by the system , and the vehicle is guided to follow along this entire route 63. In the present invention, there is no determined or entire travel route for the vehicle to follow. The driver is guided only by directional heading and can follow any route that he chooses to follow. This directional heading guidance is provided by only two flashing light dots or markings that are presented on the vehicle display (eg windshield).

Additionally in Asano, there is never an OPTIMUM travel route calculated by the system as is stated in the ANSWER. If the driver wishes to change the travel route that has been previously calculated , the driver can operate a "route change switch" 64 (FIG. 7a). This activates the Asano computer to re-compute a different entire travel route 63 to guide the vehicle.

Still further, the present invention NEVER provides the driver with an "entire travel route" to be followed. Instead, it continuously displays only two angularly displaced dots or

markings to show the direction to be followed to reach to reach the destination.

In the Asano et al patent, a built-in calculator computes an "entire" travel route 63 from a starting location of the vehicle to the location of the selected destination 63 (Fig. 7(a)).

The Examiner's Answer also erroneously speaks of "two destinations". There is only one destination that is selected by the driver according to the patent.

Additionally, the Examiner's Answer refers to "map-free" displays in the Asano et al patent. No one of the series of different displays shown in the patent drawings, (and as described) are "map-free". All show connecting travel routes, and/or streets, roads, switches, and/or other information.

Additionally, the Examiner's Answer erroneously refers to guidance between "zones" whereas the Asano et al patent refers to starting and destination specific locations and not zones. It calculates specific, entire, travel routes between starting and destination locations, as discussed above.

OHUMURA ET AL PATENT

In combining this reference to the Asano et al patent, the Answer states that using a heads up display (H.U.D.) on the vehicle windshield is merely an "alternative" to other modes of

display, and is matter of driver's preference, as shown in the reference.

This is in error since it neglects to consider the synergy provided by combining a simplified, uncluttered, Map-free, display (using only two flashing light dots) with a H.U.D.

The very detailed displays used in the Asano et al patent , or in those presently used in the many other current vehicle navigation systems, could not be safely applied to the windshield of the vehicles. These very detailed maps, routes, and related street and road details would obscure the driver's vision of the road ahead of the vehicle, as well as diverting the driver's attention from safe driving of the vehicle. However, the presence of only two displaced dots ,or small markings, on the windshield, as in the present invention, would not do so . With only two small dots continuously presented on the windshield, the driver can safely maintain a clear vision of the road while peripherally noting the directional displacement of the two small dots for use in directionally guiding the vehicle heading.

Thus the present invention provides synergy between the type of display (eg two small dots) and the mode of display (H.U.D.) that is not suggested by the prior art patent of Ohmura et al or Asano et al, and would not be obvious without the marvelous gift of hindsight that makes matters appear to be evident after they are taught by another.

Considering ~~the~~ appealed claims in the light of the above corrections:

CLAIMS 51, 61, and 63

The Asano et al patent is NOT a "non-computing navigation system " as is claimed, but always computes a specific, entire travel route.

Nor does the patent guide the vehicle "by employing only an uncluttered two location representation" as is claimed. It always computes an entire travel route, and guides the vehicle to follow this entire route.

Nor does the patent "not provide any specific routing path", as is claimed. Instead It always computes a specific travel route over the entire distance to the destination.

Nor does the patent " enable the driver to select any routing path guided only by the two location representation" , as is claimed. In the patent tne driver can NEVER select the travel route . The specific and entire travel route is is always computed by the patent calculator.

Nor does the patent have "display means"..... " to continually display only a pair of uncluttered markings" " that is free of any routing path interconnecting the two markings" as is claimed. As shown in Fig 7(a) of the patent, the entire computed travel route 63 is displayed on the screen from the starting location of the vehicle 61 to the destination location 62.

Nor does the patent display the two markings "in such manner to be continually observed by the driver" as is claimed.

Nor is the two markings displayed in such manner "without diverting attention from safe driving of the vehicle" as is claimed.

CLAIM 55

This claim states that the two markings provide "the sole guidance" "until the vehicle nears the said destination". The Asano et al patent computes the entire route or travel path to guid the vehicle and there are not two markings that provide the "sole" guidance as is claimed.

CLAIM 57

Nor does the Asano et al patent "enlarge in scale" as the vehicle nears the destination location, as is claimed.

Nor does the Asano et al patent provide an exclusive two marking directional guidance in the first phase of operation, and then communicate local land mark information that may include "an identification of individual buildings" in a second phase of operation as is claimed.

CLAIM 62

The Asano et al patent does not enable the driver to select the travel route, as is claimed. Instead, the patent always computes the entire travel route to be followed by the vehicle. 63 (Fig. 7a) In the event that the the driver depresses the route change key 64, this instructs the Asano computer to calculate a different entire travel route (as shown at 63 in Fig. 7 (a)).

All other of the appealed claims contain the same and additional differences over the Asano et al patent and the secondary references cited, and all are considered to be patentable over the cited references.

Respectfully Submitted,


Alfred B. Levine, Appellant pro se

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